

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 SS-15 H-02 /052 W

----- 116881

R 152027Z OCT 75

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 5608

UNCLAS SECTION 01 OF 02 LONDON 15868

E.O. 11652: N/A

TAGS: EAIR, UK

SUBJ: CIVAIR - SEABOARD ROUTING PROBLEM

REF: LONDON 237726

1. WE HAVE NOW RECEIVED REPLY TO NOTE WE DELIVERED TO FCO SEPT. 2 ON SEABOARD ROUTING PROBLEM. FCO REPLY, OPERATIVE PORTIONS OF WHICH APPEARS BELOW, MERELY ASSERTS VIEW THAT SEABOARD'S PROPOSED ROUTING IS INCONSISTENT WITH BILATERAL AGREEMENT AND, THROUGH CONVOLUTED LINE OF REASONING, SUGGESTS THAT ABSENCE OF USG REPRESENTATIONS BEFORE AUGUST 1974 WHEN UK POINTED OUT ALLEGED INFRINGEMENTS BY SEABOARD OF ITS OPERATING PERMIT (NONE OF WHICH RELATED TO THE DISPUTED ROUTING) MEANS THAT USG ACCEPTS BRITQIH INTERPRETATION OF SEABOARD'S PERMITS. ISSUALCE OF NMTE PRESUMABLY CLEARS THE WAY FOR DEPT. OF TRADE TO REISQUE SEABOARD'S TEMPORARY PERMITS AS PERMANENT PERMITS. COPIES OF NOTE POUCHED TO EB/OA.

2. TEXT OF FAO NOTE:

BEGIN QUOTE: HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS PRESENTS HIS COMPLIMENTS TO HIS EXCELLENCY THE AMBASSADOR OF THE UNITED STATES OF AMERICA AND HAS THE HONOUR TO REFER TO THE AMBASSADOR'S NOTE NO. 20 OF 2 SEPTEMBER 1975 CONCERNING THE LETTER DATED 20 AUGUST TO SEABOARD WORLD AIRLINES FROM THE DEPARTMENT OF TRADE.

THE DEPARTMENT OF TRADE HAVE INFORMED SEABOARD THAT
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THE TIME AVAILABLE FOR SEABOARD TO MAKE REPRESENTATIONS

HAS BEEN EXTENDED TO 3 OCTOBER 1975 AND THAT THE TEMPORARY OPERATING PERMITS HAVE BEEN EXTENDED TO 10 OCTOBER 1975. THE POSITION OF HER MAJESTY'S GOVERNMENT ON THE RIGHTS AVAILABLE TO SEABOARD TO UPLIFT AND DISCHARGE CARGO AT LONDON ON FLIGHTS TO AND FROM NEW YORK WHICH TRANSIT PARIS OR POINTS IN SWITZERLAND AND ITALY AS INTERMEDIATE POINTS BETWEEN LONDON AND NEW YORK WAS SET OUT IN AN AIDE MEMOIRE SUBMITTED BY HER BRITANNIC MAJESTY'S EMBASSY TO THE DEPARTMENT OF STATE ON 12 AUGUST 1974 AND IN THE EMBASSY'S NOTE NO. 152 SUBMITTED ON 28 AUGUST 1974. HER MAJESTY'S GOVERNMENT CONSIDERS THAT THE VIEW OF THE UNITED STATES GOVERNMENT THAT THE UPLIFT AND DISCHARGE OF CARGO AT LONDON ON SUCH FLIGHTS IS CONSISTENT WITH THE AIR SERVICES AGREEMENT OF 1946 AND SUBSEQUENT UNDERSTANDINGS IS NOT JUSTIFIED. HER MAJESTY'S GOVERNMENT CONSIDERS THAT THE PROPOSED SEABOARD OPERATION IS CONTRARY TO THE TERMS OF THE ROUTE SCHEDULE TO THE AGREEMENT, AS AMENDED.

THE RELEVANT PERMIT ISSUED TO SEABOARD ON 16 SEPTEMBER 1966 INCLUDED AS PARAGRAPH 3 THE EXPRESS PROVISION THAT NO CARGO (INCLUDING MAIL) TO BE CARRIED TO OR HAVING BEEN CARRIED FROM PARIS, SWITZERLAND OR ITALY SHALL BE TAKEN ON BOARD OR DISCHARGED IN THE UNITED KINGDOM. HER MAJESTY'S GOVERNMENT CANNOT ACCEPT THE SUGGESTION THAT THE PERMITS ISSUED IN 1966 PERMITTED SEABOARD TO OPERATE SERVICES THAT WERE INCONSISTENT WITH THIS PROVISION. THE TEMPORARY PERMITS THAT HAVE NOW BEEN ISSUED ARE INTENDED TO REMOVE ANY AMBIGUITY THAT MIGHT HAVE PREVIOUSLY EXISTED.

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R 152027Z OCT 75

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 5609

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HER MAJESTY'S GOVERNMENT FURTHER CANNOT ACCEPT THE SUGGESTION THAT THERE HAS BEEN NO OFFICIAL BRITISH ACTION FOR MANY YEARS AGAINST THOSE SERVICES OF SEABOARD THAT ARE HELD TO BE INCONSISTENT WITH THE AGREEMENT. SEABOARD'S ATTENTION HAS BEEN DRAWN IN THE PAST TO A NUMBER OF INFRINGEMENTS SET OUT IN THEIR ROUTE SCHEDULES. THE DEPARTMENT INFORMED SEABOARD'S SOLICITORS ON 5 SEPTEMBER 1975 THAT NO LESS THAN 7 FLIGHTS IN SEABOARD'S SCHEDULE NUMBER 29, THAT CAME INTO EFFECT ON 28 JULY 1975, APPEARED TO THE DEPARTMENT NOT TO BE IN ACCORDANCE WITH THE PERMITS.

THE ABSENCE OF ANY OFFICIAL REPRESENTATIONS BEFORE THOSE OF AUGUST 1974, BY THE UNITED STATES GOVERNMENT ON THOSE OCCASIONS SINCE 1966 WHEN SEABOARD HAS BEEN NOTIFIED OF INFRINGEMENTS APPARENT FROM THEIR ROUTE SCHEDULES SUGGESTS THAT THE UNITED STATES AUTHORITIES HELD THAT THE UNITED KINGDOM'S INTERPRETATION WAS CONSISTENT WITH THE AGREEMENT AND THE 1966 UNDERSTANDINGS.

HER MAJESTY'S GOVERNMENT BELIEVES THAT SINCE 1966 ITS ACTIONS HAVE BEEN FULLY CONSISTENT WITH THE TERMS OF THE AGREEMENT AND UNDERSTANDINGS AND IT IS THEREFORE NOT PREPARED TO PERMIT SEABOARD TO OPERATE SERVICES THAT DO NOT FALL WITHIN THE ROUTES SCHEDULE OF THE AGREEMENT AND THE UNDERSTANDINGS. HOWEVER, HER MAJESTY'S GOVERNMENT REMAINS PREPARED TO CONSIDER ANY PROPOSALS THE UNITED STATES GOVERNMENT MAY WISH TO PUT FORWARD AS A MEANS OF REACHING AGREEMENT ON RIGHTS THAT WOULD ENABLE SEABOARD TO OPERATE IN THE MANNER THEY PREFER.
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THE SECRETARY OF STATE AVAILS HIMSELF OF THIS OPPORTUNITY TO EXPRESS TO THE AMBASSADOR THE ASSURANCE OF HIS HIGHEST CONSIDERATION. END QUOTE.

RICHARDSON

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Margaret P. Grafeld
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